



CLARK COUNTY BOARD OF ZONING APPEALS

May 29, 2025

The regular meeting (rescheduled from May 21, 2025) of the Clark County Board of Zoning Appeals (BZA) was held on Thursday May 29, 2025, starting at 5:00 p.m. at the Clark County Government Center, 300 Corporate Drive, Room 103 Jeffersonville, IN. 47130

The following Board Members were present: Guy Guernsey John Eurton, and Larry Brison

The following Board members were absent: Kim Baker (one vacancy).

The following staff were present: Chris King, Stacy Gettings and Eric Wise.

The following appeared on the agenda:

1. **Call to order:** Mr. Guernsey called the meeting to order at 5:00 P.M.
2. **Legal Services Contract:** Mr. Guernsey informed the board that the Plan Commission selected Christopher King as the new legal counsel for the Commission and opened the floor for a motion to approve the selection by the Board. Mr. Eurton then motioned to approve this selection which was seconded by Mr. Brison and unanimously passed.
3. **Meeting Rules:** Mr. King read the rules of the meeting.
4. **Public Hearing Items**
 - a. **2025-12-BZA: Special Exception (Battery Energy Storage System Tier 2) for property located at 4514 Bud Prather Rd Sellersburg IN. (Parcel No 10-10-16-700-236.000-032) Applicant: Sprout Project LLC Owner: Haas Cabinet Company**

Ian Evans, 1180 Domain Blvd. Austin Texas, presented the request and displayed PowerPoint slides which described a 200-megawatt battery storage facility that would be completed in 2028 if the request is approved. He also indicated that a setback waiver has been secured from the owner on the single residential structure that is located less than

1,320 ft from the site which will be recorded as soon as a second signature was obtained. He further explained that the company has provided fire safety training with the local fire department, will conduct annual onsite training once in operation, and will execute a road use agreement and decommissioning plan with the county prior to the start of construction, all of which goes above and beyond the minimum requirements of the UDO. Finally, he provided details regarding why the start of construction will likely not be possible until 2027 which pertained to the variance request to be considered later in the meeting.

Mr. Brison, inquired about the potential hazards associated with this type of use and how they are addressed.

Andrew Carty, 11801 Domain Blvd. Austin Texas, indicated that their company has had no incidents and there have only been 20 failures reported in north America since 2018.

Racheal Conner, attorney for applicant, then described the safety requirements administered by the State Department of Homeland Security.

Matt Kim, Applicants engineer, 11801 Domain Blvd. Austin Texas, indicated in general a 10 ft clear space around battery containers and 8 ft. separation between containers is maintained in most installations.

Mr. Brison inquired about the type of response is use in the case of thermal runaway?

Mr. Evans indicated the standard response is to keep the fire from spreading until fuel is spent.

There being no further questions, Mr. Guernsey opened the floor for public comments.

Jan Irby, 4603 Bud Prather Rd. Sellersburg IN, expressed concern for the chance of fire and questioned the ability of the local fire department to handle such events.

Mr. Bruce Reiger, 4809 Bud Prather Rd, Sellersburg IN, express his lack of concern with the use.

Danny Annon, 4440 Falling Leaf Dr. Sellersburg IN, expressed his concern about mailed notice only being sent to adjoining property owners and incorrect day of the week of the meeting being indicated on the public notice sign and that he was not opposed to the use.

Charles Corya, 5119 Bud Prather Rd Sellersburg IN, supported the location of the facility on industrial property rather using agricultural land.

Larhesa Guernsey, 12310 Hwy 31, Sellersburg, IN expressed concern about fumes resulting from a fire and associated environmental impacts.

Brian McNew, 10415 Stricker Rd, Memphis IN reported a 4% failure rate for such facilitates globally and expressed concern about fumes from a fire reaching his property and negative impacts to an existing Bald Eagle nest nearby.

There being no further public comments Mr. Evans responded to several concerns by explaining that the decommissioning agreement will be executed prior to operation, and the anticipated life span of the facility is 30 years.

Mr. Forrest Forster, 1108 Domain Blvd Austin Texas, indicated the company has 6 utility scale projects in operation in the United States and 2 fully approved projects ready for construction in Indiana.

There being no further discussion Mr. Brison motioned to adopt the findings of fact prepared by staff and approve the request subject to the recording of the setback waiver which was seconded by Mr. Eurlon and unanimously passed.

- b. 2025-13-BZA: Development Standards Variance (extend expiration period for a special exception from 2 years to 4 years and waiver of proof of sewer service) for property located at 4514 Bud Prather Rd Sellersburg IN. (Parcel No 10-10-16-700-236.000-032) Applicant: Sprout Project LLC Owner: Haas Cabinet

Mr. Ian Evans, presented this request referencing issues with supply chains, contractor scheduling, acquisition of all state and federal approves necessary to develop these types of facilities which necessitate a longer approval term of the special exception. He also reiterated the lack of sewer service to the property and there being no full/parttime employees necessary on site at the facility as mentioned during discussion of the previous docket and asked the Board if any additional information was needed.

There being none Mr. Guernsey opened the floor for public comments.

No one spoke in support or in opposition to the request.

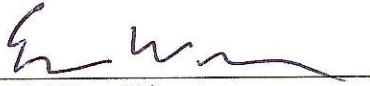
There being no further discussion Mr. Brison made a motion to adopt the findings of fact prepared by staff without any conditions and approve the request as submitted which was seconded by Mr. Eurton and unanimously passed.

5. Approval of the prior minutes from the April 16, 2025 meeting. Mr. Brison motioned to approve the minutes as presented which was seconded by Mr. Eurton and passed unanimously.
6. Reports, and Communications- None were given.
7. Adjournment - There being no further business the meeting adjourned at 6:20 p.m. on a motion by Mr. Brison, second by Mr. Eurton and unanimous vote.

MINUTES ADOPTED THIS 18 DAY OF JUNE, 2025



Kim Baker, President



Eric M. Wise, Director